BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
June 3, 2008

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:05 P. M., Tuesday, June 3, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: M. S. "Joe" Brito, Vice Chairman; Harry E. Crisp, Mark Dudenhefer; Paul V. Milde; George H. Schwartz, Chairman; Cord A. Sterling and Robert "Bob" Woodson.

Also in attendance were: Anthony J. Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Report of the Superintendent of Schools.</u> Dr. David E. Sawyer, Division Superintendent of Schools, gave a presentation on current issues and responded to Board members questions.

<u>Legislative</u>; Report of the VDOT Administrator. Mr. David Stanley, Virginia Department of Transportation Resident Administrator, gave a presentation and responded to Board members questions.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

Bob Hagen - Business Professional and Occupational License Tax.

Joe Gotshall - Teen Challenge.

Ruth Carlone - Teen Challenge. Supports the

- Business Professional and Occupational License Tax.

Dana Brown - Critical Resource Protection Area.

Jack Rowley - Reappoint Ted Hontz to the Economic Development Authority.

Jo Knight - Reappoint Ted Hontz to the Economic Development Authority.

Cecelia Kirkman - Critical Resource Protection Area.

Becky Reed - Potomac River Overlay issue.

Patricia Kurpiel - Potomac River Overlay issue.

Lou Silver - Potomac and Rappahannock Rivers.

Legislative; <u>Introduction of Chief – Internal Audits</u>, <u>Department of Internal Audits</u>. The Chairman introduced Ms. Anica Ashbourne as the new Chief – Internal Audits.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Woodson - Crows Nest.

- Quantico Growth Management Committee.

- Sheriff's award ceremony.

- Fredericksburg Area Metropolitan Planning Organization.
- Public Safety Building ribbon cutting ceremony.
- Finance committee.
- Visited Heim Middle School.
- Visited Moncure Elementary.

Mr. Brito

- Town Hall meeting.
- Rappahannock River canoe trip with legislators.
- Eagle Scout Ceremony.
- Fire and Rescue Town Hall Meeting.
- Parks and Recreation Meeting.
- Spoke on shortage of fields

Mr. Crisp

Fire and Rescue issues.

Mr. Dudenhefer

Transit Summit meeting.

Mr. Milde

- Tree removal on Hope Road.
- Meeting with Senator Richard H. Stuart, 28th District.
- Fire and Rescue Town Hall meeting.
- Wayfinding meeting.
- Seniors meeting at the Rowser building.
- Economic Development Authority annual luncheon meeting.
- Lions Club meeting.
- George Washington Regional Commission meeting.
- Public Safety Building Ribbon Cutting.
- R-Board meeting.
- Redevelopment subcommittee.
- Rappahannock River canoe trip.
- Juvenile and Domestic Relations Court.
- Brooke Point High School.

 Attended meeting to discuss naming an extension a road for Jason Mooney posthumously.

Mr. Sterling - Park Bond and Transportation Bond Committee meetings.

Mr. Schwartz - No comments.

<u>Legislative</u>; <u>Report of the County Attorney</u>. Mr. Joe Howard, County Attorney, stated an addition to Closed Meeting.

<u>Legislative</u>; <u>Report of the County Administrator</u>. Mr. Anthony J. Romanello, County Administrator, commented on the following:

- There will be a ribbon cutting ceremony at the Berea Fire Station on June 21, 2008 at 10:00 A. M.
- Michael Neuhard, Deputy County Administrator, introduced Amy
 Greyshaw, from the Virginia Department of Health, Office of Drinking
 Water, who presented the Able Lake Water Treatment Plant employees with
 the 2007 Virginia Excellence in Water Filtration Award.
- Michael Neuhard, Deputy County Administrator, gave an update on the status of the water supply.

<u>Legislative</u>; <u>Consent Agenda Addition</u>. Mr. Brito motioned, seconded by Mr. Milde, to add an item to Closed Meeting, delete items 3, 5, 6 from the Consent Agenda, and a discussion item concerning athletic fields.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

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<u>Legislative</u>; Consent Agenda. Mr. Woodson motioned, seconded by Mr. Milde, to adopt the

Consent Agenda consisting of Items 1 thru 6, omitting Item 3, 5, and 6.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meetings.</u> Regular Meetings of April 22,

2008, and May 6, 2008.

Item 2. Finance; Approve Expenditure Listing

Resolution R08-302 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING

(EL) DATED MAY 20, 2008 THROUGH JUNE 2, 2008

WHEREAS, the Board has appropriated funds to be expended for the purchase of

goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of

Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or

services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of June, 2008 that the above-mentioned EL be and it

hereby is approved.

Item 4. Finance; Budget and Appropriate Insurance Recovery Funds from Flood Damage

to Brooke Fire and Rescue Station

Resolution R08-314 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE INSURANCE RECOVERY FUNDS FROM FLOOD DAMAGE AT BROOKE FIRE AND RESCUE STATION

WHEREAS, Brooke Fire and Rescue Station (Company 5) sustained building and contents damage during the May 11, 2008 flooding; and

WHEREAS, a claim was submitted for insurance recovery related to the damages and;

WHEREAS, the County has received \$45,000 in insurance recovery funds for this loss;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that the County Administrator be and he hereby is authorized to budget and appropriate the insurance recovery funds as follows:

Increase General Fund Insurance Recovery Revenue \$45,000

Increase General Fund Fire and Rescue Expenditures \$45,000

Item 3. Planning and Zoning / Code Administration; Authorize a Public Hearing to

Amend Development and Building Fees for Services Provided by Planning and Zoning,

Utilities, Code Administration and Fire and Rescue Mr. Jeff Harvey, Director of

Planning and Zoning, gave a presentation and responded to Board members questions.

Hearing no objections from the Board, the Chief, Internal Audits, was requested to review the process.

Mr. Sterling motioned, seconded by Mr. Crisp, to approve proposed Resolution R08-308.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution R08-308 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING FOR AMENDMENT AND
READOPTION OF DEVELOPMENT FEES FOR SERVICES
PROVIDED BY THE DEPARTMENTS OF PLANNING AND ZONING,
UTILITIES, FIRE AND RESCUE AND CODE ADMINISTRATION

WHEREAS, the Board is authorized to set reasonable fees and charges for the review services provided by the Departments of Planning and Zoning, Fire and Rescue, Utilities, and Code Administration; and

WHEREAS, the Board acknowledges that the fees for these services have not tracked the costs for the services provided; and

WHEREAS, the Board desires to set fees for services to be commensurate with services provided by the County in reviewing and processing such applications;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing for amendment and readoption of the Development Fee Schedule for the Departments of Planning and Zoning, Fire and Rescue, Utilities, and Code Administration.

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Item 5. Budget; Appropriate FY2009 County Budgets. Mr. Sterling commented.

Mr. Crisp motioned, seconded by Mr. Woodson, to approve proposed Resolution R08-327.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution R08-327 reads as follows:

A RESOLUTION TO APPROPRIATE FISCAL YEAR 2009 GENERAL FUND AND SCHOOL OPERATING FUND BUDGETS

WHEREAS, a public hearing on the proposed FY2009 Budget was held on Tuesday, April 15, 2008, at 7:00 p.m. at Colonial Forge High School; and

WHEREAS, the Board adopted the Budget resolution R08-209 on April 22, 2008 after holding budget work sessions at which members analyzed, deliberated and reviewed citizen comments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that the Fiscal Year 2009 Budgets for the various General Government Funds be and they hereby are appropriated as follows:

General Fund:

General Fund.	
School Operating Transfer	102,774,959
School Debt Service	30,592,541
Board of Supervisors	576,574
Budget	371,218
Central Rappahannock Regional Library	4,726,775
Code Administration	4,226,466
Commissioner of the Revenue	2,647,347
Commonwealth's Attorney	2,809,051
Comprehensive Services Act	4,406,028
Cooperative Extension	215,854
Corrections	7,312,498
County Administration	1,215,241
County Attorney	1,127,044
Courts	2,411,984
Debt Service	9,737,208
Economic Development/Legislative Affairs	1,157,075
Finance	1,929,402
Fire and Rescue	13,445,204
Human Resources	607,777
Information Technology	2,335,114
Internal Audit, Office of	171,018
Non-Departmental	606,831
Parks & Recreation	6,072,596
Planning and Zoning	2,896,298
Public Services	4,607,235
Regional & Community Agencies	1,906,779
Registrar & Electoral Board	396,435
Sheriff	18,237,531
Social Services	8,163,188
Solid Waste	202,368
Transportation, Office of	211,166
Treasurer	1,972,089
Total all Expenditures	240,068,894

School Operating Fund

246,342,421

BE IT FURTHER RESOLVED that at the close of the fiscal year, all appropriations lapse for budget items other than capital projects and grants. Appropriations designated for capital projects will remain appropriations until the

completion of the project or until the Board, by resolution or ordinance, changes or

eliminates the appropriation. Appropriation of grant funds remain appropriations for the

duration of the grant or until the Board, by resolution or ordinance, changes or eliminates

the appropriation; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he

hereby is authorized to increase budgets and appropriations for the following items of

non-budgeted restricted revenue that may occur during the fiscal year:

1. Insurance recoveries received for damages to County properties for which County

funds have been expended to make repairs;

2. Defaulted developer and builder securities to be used for uncompleted projects.

Mr. Crisp motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-313.

Discussion ensued.

The Voting Board tally was:

Yea: (7)

Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Resolution R08-313 reads as follows:

A RESOLUTION TO APPROPRIATE THE FISCAL YEAR 2009

OTHER GENERAL GOVERNMENT AND SCHOOL BUDGETS

WHEREAS, a public hearing on the proposed FY2009 Budget was held on

Tuesday, April 15, 2008, at 7:00 p.m. at Colonial Forge High School; and

WHEREAS, the Board adopted the Budget Resolution R08-209 on April 22, 2008 after holding budget work sessions at which members analyzed, deliberated and reviewed citizen comments;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that the Fiscal Year 2009 Budgets for the various General Government Funds and Other School Funds be and they hereby are appropriated as follows:

GENERAL GOVERNMENT FUNDS:

Asset Forfeiture Fund	120,000
E-911 Fund	2,833,392
Fleet Services Fund	3,783,878
General Capital Improvements Fund	20,246,000
Tourism Fund	1,642,042
Transportation Fund	5,306,411
Utilities Funds	137,501,152

SCHOOL FUNDS:

Construction Fund	18,802,263
Grants Fund	10,172,481
Health Services Fund	25,898,979
Nutrition Services Fund	11,544,027
Workers' Compensation Fund	867,187

BE IT FURTHER RESOLVED that at the close of the fiscal year, all appropriations lapse for budget items other than capital projects and grants. Appropriations designated for capital projects will remain appropriations until the completion of the project or until the Board, by resolution or ordinance, changes or eliminates the appropriation. Appropriation of grant funds remain appropriations for the

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duration of the grant or until the Board, by resolution or ordinance, changes or eliminates

the appropriation; and

BE IT STILL FURTHER RESOLVED that the County Administrator be and he

hereby is authorized to increase budgets and appropriations for the following items of

non-budgeted restricted revenue that may occur during the fiscal year:

1. Insurance recoveries received for damages to County properties for which County

funds have been expended to make repairs;

2. Defaulted developer and builder securities to be used for uncompleted projects.

Legislative; Appoint Members to Boards, Authorities, Commissions and Committees;

Economic Development Authority. Mr. Sterling commented.

Mr. Schwartz motioned, seconded by Mr. Woodson to approve proposed Resolution R08-

318.

Discussion ensued.

The Voting Board tally was:

Yea: (

(6) Schwartz, Sterling, Woodson, Brito, Crisp, Milde

Nay: (1)

(1) Dudenhefer

Resolution R08-318 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE ECONOMIC

DEVELOPMENT AUTHORITY

WHEREAS, the Economic Development Authority of Stafford was established by

Ordinance of the Board on June 10, 1970, and a total of seven (7) Directors were

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appointed initially for terms of one (1), two (2), three (3) and four (4) years; two (2) being appointed for one (1) year terms, two (2) being appointed for two (2) year terms, two (2) being appointed for three (3) year terms and one (1) being appointed for a four (4) year term; and

WHEREAS, pursuant to Section 15.2-4904 of the Code of Virginia (1950), as amended, subsequent appointments were to be for terms of four (4) years, except appointments to fill vacancies were to be for the unexpired terms and all terms of the office were deemed to commence upon the date of the initial appointment to the Authority and, thereafter, in accordance with these provisions; and

WHEREAS, the following members have been appointed:

NT A N / IT

<u>NAME</u>	EXPIRATION
Donald H. Newlin (Coorgo Weshington District)	June 10, 2011
(George Washington District)	
Wendy Surman	June 10, 2011
(Rock Hill District)	
Edward B. Hontz	June 10, 2008
((Falmouth District)	
Mark Safferstone	June 10, 2009
(Griffis-Widewater District)	
John Rowley	June 10, 2009
(Hartwood District)	
Jo Knight	June 10, 2010

(Aquia District)

Joel Griffin June 10, 2008

(Garrisonville District)

WHEREAS, the term of Edward B. Hontz will expire on June 10, 2008; and

WHEREAS, the Board desires to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that

<u>NAME</u> <u>EXPIRATION</u>

David R. Beiler June 10, 2012

(Falmouth District)

be and he hereby is appointed as a member of the Economic Development Authority; and

BE IT FURTHER RESOLVED that if at the end of any term of office of any director and a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until a successor is appointed and qualified and that successor shall fulfill the remainder of the term.

Recess. At 3:00 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:10 P. M. the Chairman called the meeting back to order.

<u>Presentation by Mike Estes of the Virginia Department of Transportation on</u>

<u>HB3202/Chapter 896</u> Mr. Mike Estes, P. E., Director of Local Assistance Division,

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Virginia Department of Transportation, made a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, this item will be placed on the Regular Agenda for the next Board meeting.

<u>Planning and Zoning; Consider a Conditional Use Permit for 399 Poplar Road</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Woodson, to approve proposed Resolution R08-256.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (2) Dudenhefer, Milde

Resolution R08-256 reads as follows:

A RESOLUTION TO DENY A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2700551 TO ALLOW A USE NOT LISTED, SPECIFICALLY A RESIDENTIAL DRUG AND ALCOHOL RECOVERY PROGRAM, IN A A-1, AGRICULTURAL, ZONING DISTRICT, ON ASSESSOR'S PARCEL 36-4B, HARTWOOD ELECTION DISTRICT

WHEREAS, Teen Challenge of Fredericksburg, Inc., applicant, has submitted application CUP2700551 requesting a conditional use permit to allow a use not listed, specifically a residential drug and alcohol recovery program in a A-1, Agricultural, Zoning District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Section 28-37 of the Zoning Ordinance, which specifies that if a use is not specifically permitted anywhere in Table 3.1, an application may be made for such use as a conditional use; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request does not meet the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that a Conditional Use Permit pursuant to application RC2700551 be and it hereby is denied.

<u>Planning and Zoning; Amend the County Code to Create the Potomac River Resource</u>
<u>Protection Overlay District.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Woodson, motioned, seconded by Mr. Crisp to approve proposed Ordinance O08-28 with a change.

Discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Milde to defer this action for five months to further review.

Discussion ensued.

The Commissioner of the Revenue commented further.

The Voting Board tally was:

Yea: (4) Dudenhefer, Milde, Sterling, Brito

Nay: (3) Schwartz, Woodson, Crisp

<u>Utilities</u>; <u>Authorize Granting of a Sanitary Easement of County-Owned Property at the Rowser Building</u> Mr. Dale Allen, Assistant Director of Utilities – Engineering, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to approve proposed Resolution R08-247.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Resolution R08-247 reads as follows:

A RESOLUTION TO AUTHORIZE GRANTING OF A SANITARY SEWER EASEMENT ON COUNTY-OWNED PROPERTY AT THE ROWSER BUILDING, PARCEL 38-94

WHEREAS, R Income, LLC has requested a sanitary sewer easement on Countyowned property at the Rowser Building; and

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WHEREAS, the easement is necessary to construct a project shown on the

County's Generalized Sewer Improvement Plan; and

WHEREAS, the Board has carefully considered the recommendation of staff and

the testimony at a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 3rd day of June 2008, that the County Administrator be and he

hereby is authorized to reserve a sanitary sewer easement on County-owned property at

the Rowser Building, Parcel 38-94.

Planning and Zoning; Appeal the Director of Planning and Zoning's Decision Regarding

Subdivision Vesting Status for Kings Leigh Estates Mr. Jeff Harvey, Director of

Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to approve proposed Resolution R08-

231.

Discussion ensued.

The Voting Board tally was:

Yea: (6)

Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Absent (1)

Milde

Resolution R08-231 reads as follows:

A RESOLUTION TO OVERRULE A DECISION BY THE

DIRECTOR OF PLANNING AND ZONING REGARDING THE

PRELIMINARY PLAN STATUS OF KINGS LEIGH ESTATES,

HARTWOOD ELECTION DISTRICT

WHEREAS, a preliminary subdivision plan for Kings Leigh Estates was approved by the Planning Commission on January 22, 2003; and

WHEREAS, Sections 15.2-2241(5) and 15.2-2260(f) of the Code of Virginia (1950), as amended, and Stafford County Code Section 22-6, address the validity of preliminary subdivisions plans; and

WHEREAS, the Director of Planning and Zoning determined that the validity for the preliminary subdivision plan for Kings Leigh Estates expired on January 21, 2004; and

WHEREAS, upon review of new evidence, the Director of Planning and Zoning has determined that the Preliminary Subdivision Plan expired on January 21, 2008; and

WHEREAS, the applicant has appealed the decision of the Director of Planning and Zoning pursuant to Section 22-6 of the Stafford County Subdivision Ordinance; and

WHEREAS, the Board has determined that the decision by the Director of Planning and Zoning should be overruled;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that the Board be and hereby does overrule the decision of the Director of Planning and Zoning determining that the validity for the preliminary plan for Kings Leigh expired on January 21, 2008 and extends the preliminary plans.

<u>Transportation</u>; Execute a Contract for Services to Assist in the Execution of Revisions to the County Transportation Impact Fee Program Mr. Fulton deLamorton, Transportation Administrator, gave a presentation and responded to Board members questions.

Mr. Sterling motioned, seconded by Mr. Crisp, to deny proposed Resolution R08-264.

Discussion ensued.

Mr. Dudenhefer offered a friendly amendment to defer this issue until the next Board meeting with staff providing additional information.

The Voting Board tally on the amended motion was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

<u>Legislative</u>; <u>Discuss Business</u>, <u>Professional</u>, and <u>Occupational License Tax</u>. Mr. Schwartz commented.

Mr. Sterling motioned, seconded by Mark Dudenhefer to deny proposed Resolution R08-306.

Discussion ensued.

Mr. Schwartz made a substitute motion, seconded by Mr. Woodson, to adopt proposed Resolution R08-306.

Discussion further ensued.

Mr. Dudenhefer made a second substitute motion, seconded by Mr. Milde to refer the issue to the Economic Development Authority for a recommendation within 60 days.

Discussion ensued.

The Voting Board tally on the second substitute motion was:

Yea: (3) Dudenhefer, Milde, Sterling

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Nay: (4) Brito, Crisp, Schwartz, Woodson

Mr. Schwartz amended his substitute motion, seconded by Mr. Woodson, to adopt proposed Resolution R08-306 with an amendment of 50% of what the State allows.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Schwartz, Brito, Woodson, Crisp

Nay: (3) Dudenhefer, Milde, Sterling

Resolution R08-306 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING THAT AMENDS AND REORDAINS
CHAPTER 23 OF THE STAFFORD COUNTY CODE BY ADDING ARTICLE
X ENTITLED "BUSINESS, PROFESSIONAL AND OCCUPATIONAL TAX"

WHEREAS, Section 58.1-3700 Code of Virginia (1950), as amended, allows localities to impose a license fee or levy a license tax on any business, employment or profession; and

WHEREAS, the Board desires to create a Business, Professional and Occupational License tax;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June 2008 that the County Administrator be and he hereby is authorized to advertise a public hearing on July 1, 2008, which amends and reordains Chapter 23 of the Stafford County Code by adding Article X entitled "Business, Professional and Occupational License" at 50% of the maximum rates allowed under state law.

<u>Legislative</u>; <u>Discuss By-Laws Amendment.</u> Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Resolution R08-319.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer to approve proposed Resolution R08-319, excluding the paragraph concerning legal advice.

Discussion ensued.

The Voting Board tally on the substitute motion was:

Yea: (1) Milde

Nay: (6) Dudenhefer, Sterling, Schwartz, Brito, Woodson, Crisp

Discussion further ensued.

The Voting Board tally was:

Yea: (6) Dudenhefer, Sterling, Schwartz, Brito, Woodson, Crisp

Nay: (1) Milde

Resolution R08-319 reads as follows:

A RESOLUTION TO AMEND SECTION 6-1 OF THE 2008 BY-LAWS AND RULES OF PROCEDURE FOR CALENDAR YEAR 2008

WHEREAS, the Board, from time to time, has determined the need to amend the By-laws and Rules; and

WHEREAS, specifically, the Board has determined to amend Section 6-1 of its By-Laws and Rules of Procedure entitled "Actions by Individual Members of the Board" by the addition of language in this section that provides for confidentiality procedures to be followed by all Board members.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that it be and hereby does, by resolution, amend Section 6-1 and readopt the 2008 By-Laws and Rules of Procedure, all other portions remaining unchanged;

Section 6 -- General Operating Policy

Section 6-1 Actions by Individual Members of the Board

A. In dealing with County staff, members of the Board should conduct themselves in a business-like, professional and civil manner, without making undue demands on staff time. Any request involving significant staff time or staff resources should be referred to the County Administrator. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission or committee of the Board, to initiate any action that would require a County employee to perform any action contrary to the laws, ordinances or policies of Stafford County or which would require the expenditure of public funds in any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his views, that he place on the same document the following, if appropriate:

This letter, memorandum, or document represents only the views of the writer or writers and does not necessarily represent the views of any other member of the Board of Supervisors or the Board of Supervisors as the governing body of Stafford County, Virginia.

- B. It is anticipated and expected that a member cast a vote, or otherwise take official action, which is consistent with the position taken by the Board, as expressed in an official vote, while acting on any other board, authority, commission, committee, or other legal entity. By accepting the nomination, the nominee agrees to the adherence of these By-Laws.
- C. All Board members shall maintain the confidentiality of all information presented in and discussed by the Board members in closed meeting sessions of the Board of Supervisors. All Board members shall also maintain the confidentiality of privileged confidential memoranda of legal advice from the County Attorney, other attorneys in the County Attorney's office, and outside attorneys retained to represent the County (hereinafter collectively referred to as "County Attorney"). Such confidential closed meeting discussions and attorney/client privileged communications from the County Attorney shall not be released or distributed to members of the public or to the press without a majority vote of the Board of Supervisors. The unauthorized release of any confidential information from closed meeting discussions or confidential attorney/client privileged communications from the County Attorney by any Board member shall result in disciplinary action, including censure of the member of the Board involved, as well as any other appropriate actions in accordance with Robert's Rules of Order and Virginia law that are within the authority of the Board. Disciplinary action for violation of this provision shall be imposed by majority vote of the Board of Supervisors.

2008

BY-LAWS AND RULES OF PROCEDURE

BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

Adopted June 3, 2008

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2008

BY-LAWS AND RULES OF PROCEDURE STAFFORD COUNTY BOARD OF SUPERVISORS

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Section 1 -- Meetings

Section 1-1 Annual Organizational Meetings

- A. The first January meeting of each year shall be known as the annual meeting. The County Administrator shall preside to open the annual meeting and to conduct the election of the Chairman.
- B. The Chairman shall be elected at the annual meeting for a term of one year. The Chairman may succeed himself in office.
- C. Following his election, the Chairman shall assume the Chair and conduct the election of the Vice Chairman for a term of one year.
- D. No member shall serve as Chairman or Vice Chairman for more than two consecutive years.

- E. Following the election of the Vice Chairman, the Board shall:
 - 1. Establish days, times and places for its regular meetings; and
 - 2. Adopt its By-Laws and Rules of Procedure.

Section 1-2 When Regular Meetings Held

Whenever the regularly scheduled meeting date falls on a legal holiday, the regular meeting shall be held on the following day in accordance with Section 15.2-1416 of the Code of Virginia (1950), as amended. The Chairman may cancel any meeting because of inclement weather or disaster and should reschedule any cancelled meeting at the earliest possible date.

Section 1-3 Special Meetings

The Board may hold such special meetings as it deems necessary at such times and places, as it may find convenient; and it may adjourn from time to time. A special meeting of the Board shall be called pursuant to Section 15.2-1418 of the Code of Virginia (1950), as amended. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the members of the Board and the County Attorney.

Section 1-4 **Quorum and Method of Voting**

- A. A quorum shall consist of a majority of the members of the Board of Supervisors.
- B. At meetings of the Board, the presiding officer shall announce which members are absent and the reasons for their absence, if known. Such announcement shall be made immediately after the roll call of members; or, if a member leaves after the

roll call, as soon as practicable thereafter. Any absences and the reasons therefore also shall be recorded in the minutes of the meeting.

C. All questions submitted to the Board for decision shall be voted using the electronic voting board. Any member may request a roll call vote. A green light represents a "Yea" vote and a red light represents a "Nay" vote. The Chairman shall call for the vote and each member shall cast his vote via the electronic voting board. The Chairman shall then call for the Clerk to close the vote. Upon closing the vote, the Clerk shall display the vote as directed by the Chairman. Upon the display of the vote, the Chairman shall announce the vote.

D. It shall be the duty of every member to vote on issues before the Board of Supervisors. If a member must abstain, he shall state his reason for abstaining for the record. If an abstention occurs, it shall be the responsibility of the Chairman to have the reason for the abstention noted in the official record, if a reason is requested by any member of the Board.

E. A tie vote fails; however, if all members are not present for the vote, the matter shall be passed by until the next regular meeting of the Board, when the matter shall be placed on the agenda as if for the first time, with full discussion and debate allowed by all members and with a new vote taken by all members present.

F. Failure of a motion couched in the negative (i.e., to deny a rezoning), whether due to tie vote or otherwise, does not authorize positive action.

Section 2 -- Officers

Section 2-1 <u>Chairman and Vice Chairman</u>

The Chairman shall preside at all meetings of the Board of Supervisors. The Vice Chairman serves in the absence of the Chairman. In the absence from any meeting of both the Chairman and the Vice Chairman, the members present shall choose one of their members as a temporary Chairman. The Chairman shall make all appointments to Board of Supervisors' committees. Substitutes or alternates appointed to Board of Supervisors' committees may participate only if so authorized by the Chairman.

Section 2-2 <u>Preservation of Order</u>

At meetings of the Board, the presiding officer shall preserve order and decorum.

Section 2-3 Chairman May Administer Oaths

The Chairman shall have the power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-4 <u>Parliamentarian</u>

Except as modified herein or as provided by law, the most current edition of Robert's Rules of Order shall be the parliamentary authority of the Board of Supervisors using the Rules for small bodies. The County Attorney shall act as Parliamentarian to the Board. Any questions involving the interpretation or application of Robert's Rules of Order shall be addressed to the County Attorney. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

Section 2-5 <u>Clerk</u>

The Clerk of the Board shall be the County Administrator as set out in Sections 15.2-1538 and 15.2-1539 of the Code of Virginia (1950), as amended.

Section 3 -- Conduct of Business

Section 3-1 Order of Business

A. At the Board's first meeting of the month, the order of business shall be generally as follows:

```
call to order (1:00 p.m.)
roll call of members
announcement of absences
presentations by the public-I
presentations and committee reports by
      members of the Board in rotation
report of the Superintendent of Schools
report of the County Attorney
report of the County Administrator
consent agenda
unfinished business
new business
items added by Board members
closed meeting (if necessary)
recess
invocation (7:00 p.m.)
Pledge of Allegiance
presentations by the public-II
public hearings
   adjournment
```

B. At the Board's second meeting of the month, the order of business shall be generally as follows:

call to order (1:00 p.m.)
roll call of members
announcement of absences
work session
report from VDOT (quarterly)
recess
invocation (7:00 p.m.)
Pledge of Allegiance
presentations by the public
public hearings
consent agenda
closed meeting (if necessary)
adjournment

- C. The above order of business and times may be modified by the Chairman should there not be an evening portion of the meeting, or for presentations by VDOT, the Sheriff, the public, etc., and appointments which are occasional in nature.
- D. Presentations and committee reports by Board members are limited to three (3) minutes each. It shall be the responsibility of the Chairman to enforce this rule.
 - E. Presentations by the public are governed by the following rules:
 - 1. Comments shall be addressed to the Chairman and Board as a whole and not to individual Board members.
 - 2. Comments by the public shall be limited to three (3) minutes for all speakers.

- 3. Any person who speaks during the day public presentation portion of the meeting shall not be permitted to speak during the evening period.
- 4. Though encouraged to complete a speaker's card in advance for record purposes, any person wishing to speak may do so without completion of a speaker card. All speakers must identify themselves and state their address.
- 5. Public presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.
- 6. Members of the Board will not respond to questions or engage in discussions with the audience or the citizen making presentations during Presentations by the Public. At the conclusion of Presentations by the Public, the Board may refer any matter raised to the County Administrator for investigation, further study, and report to the Board.
- F. No action shall be taken on any committee report unless it is time sensitive. All action shall be scheduled for the next regular agenda.

Section 3-2 Consent Agenda

- A. The consent agenda shall be introduced by a motion "to approve the consent agenda," and shall be considered by the Board as a single item.
- B. There shall be no debate or discussion by any member of the Board regarding any item on the consent agenda.

- C. The expenditure of funds which have been approved in the annual County budget may be placed on the consent agenda.
- D. The appointment of individuals to County boards, authorities, commissions, and committees to at-large positions may be placed on the consent agenda, provided that the names and necessary biographical information of the nominees, including education, are provided to the Board as a part of its package prior to the meeting at which the appointment is to occur.
- E. The acceptance of grants from federal or state agencies and flow-through funds awarded to county entities, departments and agencies may be placed on the consent agenda.
- F. The acceptance of property or the ratification of the purchase of property previously authorized by the Board of Supervisors may be placed on the consent agenda.

Section 3-3 <u>Motions</u>

- A. No motion shall be discussed prior to being duly seconded in accordance with these By-laws.
 - B. The Chairman may make a motion without relinquishing the chair.
- C. A substitute motion shall be allowed to any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If a vote on the substitute motion does not dispose of the former motion, the former motion must then be voted. Once a substitute motion is voted upon, a second substitute motion may be made. No more than two (2) substitute motions may be made.

Section 3-4 Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order or the interpretation of these By-laws. A majority vote of those present is necessary to overrule the Chairman. No second is required on a member's appeal.

Section 3-5 <u>Suspending Rules</u>

One or more of these By-Laws and Rules of Procedure may be suspended with the concurrence of two-thirds of the members present.

Section 4 -- Public Hearings

Section 4-1 Chairman to Conduct Public Hearings

The Chairman shall conduct all public hearings.

Section 4-2 <u>Hearing Presentations</u>

Hearings may begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the County Administrator. The presentation shall summarize the facts about the issue. Board members' inquiry during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing.

Section 4-3 Order of Public Hearings

The order of public hearings shall be as follows:

- A. The Chairman shall open the public hearing.
- B. The applicant or his representative shall be the first speaker(s). There shall be a time limit of five (5) minutes for the applicant's or his representative's presentation, unless extended by the Chair. Any and all representations made by the applicant or his representative to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.
- C. The Chairman shall then solicit comments from the public. Each speaker must clearly state his name and address. There shall be a time limit of four (4) minutes for each speaker.
- D. Public hearing presentations that require the use of the County's electronic system for power point or other visual displays must be submitted to the County Administrator's office by noon on the Monday before the Board meeting at which the presentation is to be made.
- E. After public comments have been received, the applicant or the representative of the applicant, at his discretion, may respond with further information. There shall be a five (5) minute time limit for rebuttal.
- F. Upon the conclusion of the applicant's comments, the Chairman shall close the public hearing.

Section 4-4 <u>Members' Participation</u>

Board members shall withhold their comments in public hearings to ensure participation by the public without Board interference.

Section 4-5 <u>Close of Hearing</u>

When a public hearing has been closed by the Chairman, no further public comments shall be permitted. Board members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee or a staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-6 <u>Debate</u>

Following the close of the public hearing, the Chairman entertains a motion and a second to dispose of the issue and the Board may debate the merits of the issue.

Section 5 -- Agenda

Section 5-1 Preparation

The County Administrator, in consultation with the Chairman, shall prepare an agenda for each regular and special meeting of the Board, conforming to the order of business specified in Section 3-1.A and Section 3-1.B of these Bylaws. The Chairman shall schedule topics proposed for work sessions on the second monthly meeting of the Board, and any special meetings, as necessary. Public hearings shall be scheduled in accordance with normal advertising requirements for Planning Commission matters, or as otherwise directed by the Board. If an applicant desires a deferral of a public hearing, the request must be made to the Chairman. The Chairman, in consultation with the Board member in whose district the project is located, will determine if an application shall be heard as scheduled or should be deferred at applicant's request, or otherwise. Neither the County Administrator nor other members of the staff are authorized to defer public hearings.

Section 5-2 <u>Transmittal</u>

After completion of the agenda preparation by the Chairman and County Administrator for each meeting, the proposed agenda shall be electronically transmitted to each member of the Board. Under normal circumstances, the transmittal should occur approximately 11 calendar days prior to the scheduled meeting of the Board.

Section 5.3 Board Member Additions to Proposed Agendas

- A. Each Board member may request for no more than two (2) total items to be included on any Board meeting agenda for discussion. If the Chairman or County Administrator receives the request prior to the preparation of the proposed agenda as set forth in Section 5-1 of these Bylaws, the Chairman may include the requested item on the agenda. If the request is not received in time to be included on the proposed agenda, the County administrator may include a Board member request on the agenda, so long as no Board member has no more than a total of two (2) discussion items on the agenda and the request is received by the County administrator by the close of business on Tuesday of the week prior to the scheduled Board meeting (generally seven (7) days prior to the Board meeting).
- B. It is the intent of this provision to allow all Board members to have topics of interest to them and/or their District included in the agenda for discussion at each meeting, while keeping the meeting agenda at a manageable level, with no individual supervisor being permitted to overwhelm or dominate the agenda at any meeting. This will provide time for the Board to deliberate on matters requiring Board action, allow for full discussion of the business matters coming before the Board at each meeting, as well as full participation of the public at public presentations and scheduled public hearings.
- C. The items requested to be included in the agenda by Board members that meet the foregoing requirements shall not be removed from the agenda, without the consent of the requesting member, except by majority vote of the Board at the meeting.

Such requested discussion items shall generally not involve staff work for preparation of Board packages or reports. Any existing information may be included in the agenda package. After consideration of the discussion item at the Board meeting, if approved by the Board, the matter may be referred to a committee or scheduled for a future Board meeting, with all necessary staff work being provided to permit the Board to take any appropriate action. If the matter is not complex and does not necessitate additional information or staff reports, the Board may take official action on the item by majority vote.

Section 5-4 Further Additions to Agenda

As long as a member of the Board has not already had two (2) discussion items included on an agenda for a meeting, and has not been able to request an item to be included on the meeting agenda in accordance with the time limits of Section 5-3 of these Bylaws, the County Administrator will place such items as do not exceed the Board member's total of two allowed discussion items for the meeting agenda on a separate handout. This separate handout will be presented to the Board as an "add-on" item for consideration by the Board. If there is insufficient time to have the handout prepared, the Board member may orally request the item to be added to the agenda with the other "add-ons" at the meeting so long as the Board member's total allowed discussion items are not exceeded. Any such items may be added to the agenda only on majority vote of the Board at the involved meeting. Generally such matters should be of a time sensitive nature, requiring consideration or action prior to the next regularly scheduled meeting of the Board. The Board retains the right to add any matter to a meeting by majority vote.

Section 5-5 Proclamations

When a Board member requests a proclamation to be placed on the agenda, the County Administrator shall place the name of the requesting Board member on the agenda as part of the item. Each member of the Board may request no more than two (2) proclamations for any regular meeting. In the event that a Board member has more than

two (2) proclamations for a meeting, only two (2) will be included as part of the agenda by the County Administrator, and the additional proclamations may be added only by majority vote of the Board as "add-ons" as set forth in Section 5-4 above as Further Additions to Agenda.

Section 5-6 **Appointments**

Appointments may be placed on the agenda for consideration at any time, provided that no appointments shall be made prior to the annual organizational meeting of the Board for a term beginning on January 1 of the calendar year. Generally all appointments to standing boards, commissions, committees and authorities should be made between the annual organizational meeting of the Board and March 31 of that calendar year. The foregoing restrictions do not preclude appointments when vacancies occur, when new boards, authorities, commissions and committees are created, or if the Board agrees to make an appointment to a regional body from the membership of the Board, due to the organizational structure of the regional body, and which would negatively impact Stafford County's participation in the regional body, if an appointment were to be delayed until the organizational meeting of the Board.

Section 5-7 Emergency Matters

Any matter not included in the scheduled agenda, after any additions approved pursuant to Section 5-4 above, may be considered by the Board, only upon majority vote of the Board. Any such matter should only be added to the agenda if it is of an emergency nature, vital to the continued proper and lawful operation of the County.

Section 5-8 Minutes

The Clerk of the Board shall prepare and maintain adequate minutes of the proceedings of the Board in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will not include every aspect of the Board's meetings relating specifically to discussion and debate, but will include all significant events relating to official action. Minutes shall be included as part of the agenda package for the subsequent meeting of the Board.

Section 6 -- General Operating Policy

Section 6-1 Actions by Individual Members of the Board

A. In dealing with County staff, members of the Board should conduct themselves in a business-like, professional and civil manner, without making undue demands on staff time. Any request involving significant staff time or staff resources should be referred to the County Administrator. It shall be the policy of the Board that no one member shall exert individual action or direct any County employee, or any board, authority, commission or committee of the Board, to initiate any action that would require a County employee to perform any action contrary to the laws, ordinances or policies of Stafford County or which would require the expenditure of public funds in any amount without the approval of the Board. It shall further be the policy that when any Board member writes a letter or memorandum expressing his views, that he place on the same document the following, if appropriate:

This letter, memorandum, or document represents only the views of the writer or writers and does not necessarily represent the views of any other member of the Board of Supervisors or the Board of Supervisors as the governing body of Stafford County, Virginia.

- B. It is anticipated and expected that a member cast a vote, or otherwise take official action, which is consistent with the position taken by the Board, as expressed in an official vote, while acting on any other board, authority, commission, committee, or other legal entity. By accepting the nomination, the nominee agrees to the adherence of these By-Laws.
- C. All Board members shall maintain the confidentiality of all information presented in and discussed by the Board members in closed meeting sessions of the Board of Supervisors. All Board members shall also maintain the confidentiality of privileged confidential memoranda of legal advice from the County Attorney, other attorneys in the County Attorney's office, and outside attorneys retained to represent the County (hereinafter collectively referred to as "County Attorney"). Such confidential closed meeting discussions and attorney/client privileged communications from the County Attorney shall not be released or distributed to members of the public or to the press without a majority vote of the Board of Supervisors. The unauthorized release of any confidential information from closed meeting discussions or confidential attorney/client privileged communications from the County Attorney by any Board member shall result in disciplinary action, including censure of the member of the Board involved, as well as any other appropriate actions in accordance with Robert's Rules of Order and Virginia law that are within the authority of the Board. Disciplinary action for violation of this provision shall be imposed by majority vote of the Board of Supervisors.

Section 6-2 <u>Legal Action</u>

The Board members, the County Administrator, the County Attorney, and any other public official are required to advise the Board prior to filing any civil suit that involves the County. The Building Official, the Zoning Administrator, and/or the Fire Marshal, when appropriate, may seek injunctive relief in accordance with the procedures set forth by the County Administrator and the County Attorney.

Section 6-3 <u>Discussion of Zoning and Land Use Matters</u>

Board of Supervisors' members shall not engage in negotiations with applicants on zoning or land use matters while the matter is before the Planning Commission and prior to the Planning Commission's referral of the matter to the Board of Supervisors.

Section 6-4 Polling Procedure

The County Administrator or his designee may separately contact members of the Board of Supervisors for the purpose of ascertaining a member's position with respect to public business, provided the contact does not constitute a meeting as defined in Section 2.2-3701 of the Code of Virginia (1950), as amended.

Section 6-5 Action on Land Use Matters in Election Years

In any year in which members of the Board of Supervisors are elected, the Board shall not take any action or consider any rezoning applications, Conditional Use Permit Applications, Comprehensive Plan Amendments, or zoning text amendments from October 31 until January 1 of the next year.

Section 7 -- Amendments

Section 7-1 Amendments to the By-Laws and Rules of Procedure

The By-Laws and Rules of Procedure may be amended as necessary by majority vote of the Board.

<u>Legislative</u>; <u>Closed Meeting.</u> At 6:13 P.M., Mr. Milde motioned, seconded by Mr. Brito, to adopt proposed Resolution CM08-13.

The Voting Board tally was:

Yea: (5) Schwartz, Woodson, Brito, Crisp, Milde

Nay: (0)

Absent: (2) Sterling, Dudenhefer

Resolution CM08-13 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting a personnel matter regarding the County Attorney Evaluation; and

WHEREAS, pursuant to Section 2.2-3711 A.1 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 3rd day of June, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 7:07, the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Crisp motioned, seconded Mr. Brito, to adopt proposed Resolution CM08-13a.

The Voting Board tally was:

Yea: (6) Woodson, Crisp, Dudenhefer, Milde, Schwartz, Brito

Nay: (0)

Absent: (1) Sterling

Resolution CM08-13a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

JUNE 3, 2008

WHEREAS, the Board has, on this the 3rd day of June, 2008, adjourned into a

closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 3rd day of June, 2008, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open

meeting requirements under the Virginia Freedom of Information Act were discussed in

the Closed Meeting to which this certification applies; and (2) only such public business

matters as were identified in the Motion by which the said Closed Meeting was convened

were heard, discussed, or considered by the Board. No member dissents from the

aforesaid certification.

Invocation. Mr. Milde gave the Invocation.

Pledge of Allegiance. Mr. Milde led in the recitation of the Pledge of Allegiance to the Flag of the

United States of America.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on topics as identified:

Jeff Cooper - School funding.

____ Messenger - Schools funding.

Lewis Hoffman - School funding.

Lou Wendling - School funding.

Nicolas Candella - School funding.

Mary Ann Crampton - Potomac River overlay district.

Jordan Dooling - School funding.

Nina Gonzalez - School funding.

Student - School funding.

Jeannette Martin - School funding.

Richard Beck - Critical Resource Protection Area.

Carol - School funding.

Tammy Torino - School funding.

Laurie May - School funding.

Valerie Raven - School funding.

Ilene Edwards - School funding.

Student Travis - School funding.

Rick Butler - School funding.

Wendy Pike - School funding.

Tricia Youngson - School funding.

Robert Considine - School funding.

Robert Whitehead - School funding.

Debbie Wittle - School funding.

Student Sarah Paris - School funding.

Recess. At 7:50 P. M. the Chairman declared a recess until 8:00 P. M.

<u>Call to Order.</u> At 7:59 P.M. the Chairman called the meeting back to order.

<u>Planning and Zoning; Amend Section 28-38, Performance Regulations, of the Zoning Ordinance Regarding Setbacks from the Critical Resource Protection Area Buffer</u> Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Steve Schwartz

Mary Ann Crampton

David Boyd

Joan Roundtree

Richard Beck

Carl Braulein

Alvin Newton

Carlton Beech

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O08-28 with changes.

Discussion ensued.

Mr. Sterling made a substitute motion, seconded by Mr. Milde, to adopt proposed Ordinance O08-28 with additional changes.

Discussion further ensued.

The Voting Board tally was:

Yea: (5) Dudenhefer, Milde, Sterling, Woodson, Crisp

Nay: (2) Schwartz, Brito

Mr. Brito motioned, seconded by Mr. Milde, to further state that this provision shall only apply to single family homes, townhouses, and duplexes. In addition, this provision shall only apply to new development projects submitted after June 3, 2008.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Ordinance O08-28 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY
CODE BY AMENDING STAFFORD COUNTY CODE SECTION 28-38,
PERFORMANCE REGULATIONS, OF THE ZONING ORDINANCE

WHEREAS, on all plans of development, the Chesapeake Bay Ordinance requires that for all identified perennial streams, areas adjacent to tidal non tidal wetlands and tidal shores, a one hundred (100) foot wide Critical Resource Protection Area (CRPA) buffer is to be established adjacent to the resources; and

WHEREAS, the Chesapeake Bay Ordinance prohibits any development or disturbance within the CRPA except as otherwise provided for: and

WHEREAS, a building on a lot that has a delineated CRPA buffer can abut the edge of the buffer leaving no room for future additions or extensions of the building and no useable yard is available; and

WHEREAS, the Zoning Ordinance currently does not require a building to have an additional setback from the edge of the CRPA buffer or a minimum useable yard; and

WHEREAS, the Board desires a setback requirement for new houses from the CRPA buffer to allow for additions, extensions and useable yards; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-38 of the Zoning Ordinance as follows where all other portions remaining unchanged:

Sec. 28-38. Performance regulations.

(k) Setbacks from Critical Resource Protection Area (RPA), Setbacks shall be required for the building containing the principle use from the outermost point of the building to the nearest point of any RPA buffer line. Where the RPA buffer is located in the rear yard, the setback shall be twenty-five (25) feet. Where the RPA buffer is located in the front or side yard, the setback shall be twelve (12) feet.

This provision shall only apply to single family homes, townhouses, and duplexes. In addition, this provision shall only apply to new development projects submitted after June 3, 2008.

<u>Planning and Zoning; Consider a Conditional Use Permit to Allow Street Crossings in a Flood</u>
<u>Hazard Overlay District</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Clark Leming, on behalf of the Applicant

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-212.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Sterling, Woodson, Crisp, Schwartz, Brito

Nay: (0)

Resolution R08-212 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2700776 TO ALLOW TWO STREET CROSSINGS IN A FLOOD HAZARD OVERLAY DISTRICT ON A PORTION OF ASSESSOR'S PARCEL 26-36, HARTWOOD ELECTION DISTRICT

WHEREAS, Lennar Corporation, applicant, through its agent, Leming and Healy P.C., has submitted application CUP2700776 requesting a Conditional Use Permit to allow two street crossings in a Flood Hazard Overlay District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance which permits this use in a Flood Hazard Overlay District after a Conditional Use Permit has been issued by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that a Conditional Use Permit pursuant to application CUP2700776 be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is for two street crossings in a Flood Hazard Overlay District on a portion of Assessor's Parcel 26-36 consisting of 10.53 acres.
- 2. The location of the street crossings shall be in the general location shown on the Generalized Development Plan, titled Oakley Farms, Conditional Use Permit, prepared by Christopher Consultants, dated November 27, 2007.
- 3. Prior to any approval of construction permits, a Phase I archaeological survey shall be provided for the project areas. If resources are identified and found to be potentially eligible for the National Register, a Phase II archaeological study shall be provided and recommendations followed.
- 4. The applicant shall, at the conclusion of construction, obtain a Letter of Map Revision (LOMR) for the project to reflect the as-built condition of the culverts.
- 5. Construction of the road crossing shall be limited to the hours of 7:00 A. M. to 6:00 P. M. daily, and weekends and holidays 8:00 A. M. to 6:00 P. M.
- 6. The applicant shall submit to the County and receive approval of a major water quality impact assessment for the areas affected by this application prior to constructing the access road culverts.
- 7. The applicant shall notify the Department of Code Administration upon commencing work on the access road culverts and associated fill areas along Long Branch.
- 8. No portion of the development shall be left uncontrolled for the requirements of stormwater management. The applicant shall provide necessary BMPs for all impervious areas.

9. The Conditional Use Permit shall expire ten (10) years from the date of approval

unless a permit for construction is obtained.

10. All State and County (Chapter 11) requirements pertaining to Erosion and

Sediment Control shall be complied with during construction. Furthermore,

additional sediment control measures shall be installed during construction to

prevent erosion and sediment transport including, but not limited to earth berms,

silt fence, sediment traps, basins and super silt fence.

11. This Conditional Use Permit may be revoked or conditions amended by the Board

for violation of these conditions or any applicable county, federal, or state codes.

Planning and Zoning; Consider a Conditional Use Permit at 1300 Courthouse Road Mr. Jeff

Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members

questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-261.

The Voting Board tally was:

Yea:

(7) Dudenhefer, Milde, Sterling, Woodson, Crisp, Schwartz, Brito

Nay: (0)

Resolution R08-261 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT

PURSUANT TO APPLICATION CUP2800283 FOR AN EXCEPTION

TO THE HEIGHT REQUIREMENTS FOR A WALL ON ASSESSOR'S PARCEL 30-38, AQUIA ELECTION DISTRICT

WHEREAS, Stafford County, applicant, has submitted application CUP2800283 requesting a Conditional Use Permit for a wall to exceed the height requirements on Assessor's Parcel 30-38; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-38 (d) of the Zoning Ordinance which permits a Conditional Use Permit to modify height requirement of specific structures; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that a Conditional Use Permit pursuant to application CUP2800283 be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is to allow an exception to the maximum allowable height for a wall on Assessor's Parcel 30-38.
- 2. The type and height of the wall shall be restricted to that shown on the elevation drawing entitled "Stafford County Courthouse Wall", dated November 16, 2007, prepared by HVC-Chenault.
- 3. The color, texture, pointing, and striking technique of any new mortar should replicate the mortar in the existing building façade.

4. The landscape features, including the large bush on the north side of Courthouse Road, should be retained, if possible.

5. The existing brick retaining wall located at the southeast corner of the parking lot should be recorded before it is demolished.

6. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

County Attorney; Consider Condemnation and Exercise of Quick-Take Powers to Acquire Tax

Map Parcel 44J-19 in Connection with the Rocky Pen Run Reservoir. Mr. Keith Dayton, Director of Code Administration, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Sudhir Gulati, Owner

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolution R08-299.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Dudenhefer, Sterling, Woodson, Crisp, Schwartz

Nay: (1) Milde

Abstain (1) Brito

Resolution R08-299 reads as follows:

A RESOLUTION TO AUTHORIZE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A PORTION OF THE

PROPERTY OF SUDHIR AND SARITA GULATI, LOCATED OFF GROVE LANE, WALNUT GROVE SUBDIVISION, TAX MAP PARCEL 44J 19, IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR CONSTRUCTION PROJECT; HARTWOOD DISTRICT

WHEREAS, the Board has approved and is in the process of acquiring the necessary parcels for the construction of the Rocky Pen Run Reservoir, an approved public use to meet the County's water supply needs; and

WHEREAS, Tax Map Parcel 44J-19 consists of 5.0 acres of land owned by Sudhir and Sarita Gulati, in the Hartwood Election District; and

WHEREAS, the design for the construction of the Project requires a 0.6093 acre portion of Tax Map Parcel 44J-19 in fee simple; and

WHEREAS, the fair market value for the above-referenced 0.6093 acre portion of the property is Twenty-nine Thousand, Two Hundred Fifty Dollars (\$29,250) based upon a formal appraisal by an independent appraiser; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide formal appraised value offer on behalf of the County to the owners of the property offering the fair market value of the referenced portion of the property; and

WHEREAS, despite a bona fide effort, the terms of purchase cannot be agreed upon and the Board's consulting negotiator has been unsuccessful in negotiating a final settlement with the owners of the property, but will continue to work with the property owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to determine the necessity for

condemnation and the use of the County's quick-take powers, and has carefully considered the recommendations of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that the Board be and it hereby does find that public necessity exists for the condemnation of the fee simple property interest of the referenced portion of the property for the ownership, construction, maintenance, and operation of the Rocky Pen Run Reservoir Project, an approved public water facility to provide for the public water needs of the citizens of Stafford County, and for the immediate exercise of its quick-take powers to enter upon and acquire the Property from the Owners; and

BE IT FURTHER RESOLVED that the Board hereby does determine that the appraised fair market value of Twenty-nine Thousand Two Hundred Fifty Dollars (\$29,250), which amount was offered to and has not been accepted by the Owners, is the appropriate compensation for the Property; and

BE IT FURTHER RESOLVED that the Board hereby does authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, to pay into the Stafford County Circuit Court the full fair market value of said Property, and to proceed with condemnation of the Property for the Rocky Pen Run Reservoir Project by quick-take condemnation and otherwise as provided by law; and

BE IT FURTHER RESOLVED that the Board hereby does authorize the County Administrator and Director of Finance, or their designees, to sign the Certificate of Take necessary for filing in Court and to disburse the appraised fair market value of Twentynine Thousand Two Hundred Fifty Dollars (\$29,250), by depositing said amount with the Court in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with law.

<u>County Attorney</u>; <u>Amend the Stafford County Code, Chapter 9, Entitled "Elections".</u> The County Attorney gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O08-44.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Sterling, Woodson, Crisp, Schwartz, Milde, Brito

Nay: (0)

Ordinance O08-44 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 9, ENTITLED "ELECTIONS"

WHEREAS, the County Attorney's Office has done a comprehensive review of Stafford County Code, Chapter 9; and

WHEREAS, the Virginia Code was recodified, changing the enabling legislation that authorized the adoption of Chapter 9; and

WHEREAS, the Board desires to amend and reordain the County Code, Chapter 9, entitled "Elections", to reflect the correct enabling legislation for the adoption of Chapter 9; and

WHEREAS, the Board has considered the recommendations of staff and the

testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, and general

welfare requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of

Supervisors on this the 3rd day of June, 2008, that Chapter 9 of the Stafford County Code

be and it hereby is amended and reordained as follows, all other portions remaining

unchanged:

Chapter 9 ELECTIONS*

*State law references: Elections, Code of Virginia, title 24.1 24.2

ARTICLE III. PRECINCTS AND POLLING PLACES

DIVISION 1. GENERALLY

Sec. 9-34. Designated.

Pursuant to authority contained in sections 24.1-37-24.1-39, 24.2-306—24.2-310

Code of Virginia, the voting precincts for each election district and the polling place for

each precinct shall be as follows:

ARTICLE IV. CENTRAL ABSENTEE VOTER ELECTION DISTRICT*

*Editor's note: Ord. No. 087-28, adopted Mar. 3, 1987, added Art. IV, §§ 9-47--9-52,

to the Code. At the editor's discretion, said provisions have been included as §§ 9-57--9-

61 of Art. IV, in order to reserve space in Art. III for future legislation. Section 9-52

provided that the provisions shall become effective upon notice from the justice

department of preclearance thereof.

State law references: Authority to establish such district, Code of Virginia, § 24.1-

233.1 <u>24.2-712</u>.

Sec. 9-60. Procedure.

The Central Absentee Voter Election District shall process all ballots and applications for

absentee ballots in accordance with procedures set forth in section 24.1-233.1 24.2-712 of

the Code of Virginia (1950), as amended, and federal and state law governing the receipt,

count or recordation of absentee ballots.

County Attorney; Amend the Stafford County Code, Chapter 4, Entitled "Amusements". The

County Attorney gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O08-48.

The Voting Board tally was:

Yea:

6) Dudenhefer, Sterling, Crisp, Schwartz, Milde, Brito

Nay:

(0)

Absent: (1)

Woodson

Ordinance O08-48 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 4, ENTITLED "AMUSEMENTS"

WHEREAS, the County Attorney's Office has done a comprehensive review of Stafford County Code, Chapter 4; and

WHEREAS, the Virginia Code was amended, changing the enabling legislation that authorized the adoption of Chapter 4; and

WHEREAS, the Board desires to amend and reordain the County Code, Chapter 4, entitled "Amusements", to reflect the correct enabling legislation for the adoption of Chapter 4; and

WHEREAS, the Board has considered the recommendations of staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, and general welfare requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that Chapter 4 of the Stafford County Code be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Chapter 4 AMUSEMENTS*

^{*}Cross references: Noise, Ch. 16; loitering in places of amusement, § 17-7; recreational activities at terminal reservoirs and on certain waterways, § 17-28 et seq.; litter control, § 21-60 et seq.; noncommercial outdoor recreational activities on wetlands, § 27-19(3).

ARTICLE I. IN GENERAL

Sec. 4-3. Minors in public poolrooms or billiard rooms.

(a) No minor shall frequent, play in or loiter in any public poolroom or billiard

room; nor shall the proprietor of any public poolroom or billiard room or his agent

permit any minor to frequent, play in or loiter in any such place.

(b) Any person violating the provisions of this section shall be guilty of a class 3

misdemeanor.

(Code 1979, § 19-11)

Cross references: Penalty for class 3 misdemeanor, § 1-11.

State law references: Authority of county to regulate presence of minors in places of

amusement, Code of Virginia, § 18.2-432.

Secs. 4-4--4-20. Reserved.

ARTICLE III. PUBLIC DANCE HALLS*

*State law references: Authority of county to regulate public dance halls, Code of

Virginia, § 18.2-433 15.2-912.3.

Sec. 4-67. Violations of article.

Any person violating any of the provisions of this article shall be guilty of a Class

3 misdemeanor.

(Code 1979, § 11-4)

Cross references: Penalty for Class 3 misdemeanor, § 1-11.

State law references: Authority for above section, Code of Virginia, § 18.2-433 15.2-

912.3

Sec. 4-68. Exemptions from article.

This article shall not apply to dances held for benevolent or charitable purposes or

conducted under the auspices of religious, educational, charitable or military

organizations.

(Code 1979, § 11-1)

State law references: Authority for above exemption, Code of Virginia, § 18.2-433.

15.2-912.3.

Sec. 4-69. Special use permit.

(a) It shall be unlawful for any person to operate a public dance hall without first

obtaining a special use permit so to do from the board of supervisors.

(b) A special use permit to operate a public dance hall may be revoked by the

board of supervisors upon the presentation of evidence satisfactory to the board

that any requirements or provisions of this article have been violated or that any

ordinance or law of the county or state has been violated. No such permit shall be

revoked until after a hearing by the board of supervisors. The holder of such

permit shall be given five (5) days' notice, by certified or registered mail sent to

the address set forth on the application for the special use permit or to the last

known address of the permit holder, of the time and place of such hearing to

determine whether the special use permit shall be revoked.

(Code 1979, §§ 11-5--11-7)

Cross references: Special use permits generally, § 28-24 et seq.

State law references: Dance hall ordinance to provide for issuance and revocation of

permit, Code of Virginia, § 18.2-433. 15.2-912.3.

Sec. 4-70. Occupancy permit.

It shall be unlawful for any person to operate a public dance hall within the

county, without first obtaining an occupancy permit.

(Code 1979, § 11-5; Ord. No. 092-52, 7-21-92)

Cross references: Taxation generally, Ch. 23.

State law references: Authority for above tax, Code of Virginia, § 18.2-433. 15.2-

912.3.

Sec. 4-73. Minors prohibited; exceptions.

It shall be unlawful for any person conducting a public dance hall to allow any

person under the age of eighteen (18) years to enter or remain in such dance hall while

dancing is being conducted therein, unless such person is accompanied by his parent or

legal guardian or by his brother or sister over the age of eighteen (18) years or unless

such person has the written consent of his parent or legal guardian to be in such dance

hall.

(Code 1979, § 11-3)

State law references: Authority of county to regulate presence of minors in places of public amusement, Code of Virginia, § 18.2-432.

County Attorney; Amend the Stafford County Code, Chapter 10, Entitled "Emergency Services".

The County Attorney gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O08-45.

The Voting Board tally was:

Yea: (7) Dudenhefer, Sterling, Woodson, Crisp, Schwartz, Milde, Brito

Nay: (0)

Ordinance O08-45 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 10, ENTITLED "EMERGENCY SERVICES"

WHEREAS, the County Attorney's Office has done a comprehensive review of Stafford County Code, Chapter 10; and

WHEREAS, the Virginia Code section that authorized the adoption of Chapter 10 has been recodified; and

WHEREAS, the Board desires to amend and reordain the County Code, Chapter 10, entitled "Emergency Services", to be consistent with the Code of Virginia; and

WHEREAS, the Board has considered the recommendations of staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, and general welfare requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 3rd day of June, 2008, that Chapter 10 of the Stafford County Code be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 10-2. General duties of director; cooperation from county personnel.

- (a) The director of emergency services shall be responsible for organizing emergency services and directing emergency operations through the regularly constituted government structure of the county and shall utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the county to the maximum extent practicable. The officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the director upon request.
- (b) The director will prepare or cause to be prepared and keep current a local emergency operations plan. He may, in collaboration with other public and private agencies, develop or cause to be developed mutual aid agreements for reciprocal assistance in the case of a disaster or emergency.
- (c) The director shall have authority to appoint a coordinator and deputy coordinator of emergency services, as well as authorize the appointment of other

emergency service personnel, as deemed necessary, with the consent of the board

of supervisors.

(d) The director shall appoint a team of key personnel known as the "emergency

operating staff," along with a line of successors for these key personnel, and

charge them with the responsibility of directing one or more operations during an

emergency. The organization of this staff shall be incorporated into the local

emergency operations plan.

(Code 1979, § 30-2A; Ord. No. 084-42, 9-4-84)

State law references: Similar provisions, Code of Virginia, § 44-146.24 19.

Sec. 10-8. Declaration of local emergency.

(a) A local emergency, as defined in section 44-146.16(6) of the Code of

Virginia, may be declared by the director of emergency services, with the consent

of the board of supervisors. In the event the board of supervisors cannot convene

due to the disaster, the director or any member of the board of supervisors, in the

absence of the director, may declare the existence of a local emergency, subject to

confirmation by the entire board of supervisors at a special meeting within five

(5) days of the declaration at its next regularly scheduled meeting or at a special

within fourteen (14) days of the declaration, whichever comes first. The board of

supervisors, when in its judgment all emergency action has been taken, shall take

appropriate action to end the declared emergency.

(b) A declaration of a local emergency shall activate the response and recovery

programs of all applicable local and interjurisdictional emergency operations

plans and authorize the furnishing of aid and assistance thereunder.

(Code 1979, § 30-3)

State law references: Similar provisions, Code of Virginia, § 44-146.21.

Legislative; Discuss Use of Athletic Fields. Mr. Brito commented.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Milde, that the Stafford County Board of Supervisors be and it hereby does formally request that the Stafford County School Board authorize their staff, in conjunction with Stafford County's Department of Parks and Recreation staff, to coordinate available resources to ensure athletic fields for all organized Stafford youth programs are fully maximized whether school owned or County

owned, to accommodate all user group needs for this coming fall season and future

seasons.

The Voting Board tally was:

Yea:

(7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay:

(0)

<u>Legislative</u>; <u>Discuss Bond Referendum</u>. Mr. Sterling commented.

Discussion ensued.

Hearing no objections from the Board, this item was to be placed on the Regular Agenda for the next Board meeting for further discussion.

Legislative; Closed Meeting. At 9:40 P.M., Mr. Sterling motioned, seconded by Mr.

Milde, to adopt proposed Resolution CM08-14.

The Voting Board tally was:

Yea: (7)

Milde, Schwartz, Woodson, Brito, Crisp, Dudenhefer, Sterling

Nay: (0)

Resolution CM08-14 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting a personnel matter regarding Fire and Rescue personnel; and

WHEREAS, pursuant to Section 2.2-3711 A.1 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 3rd day of June, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 9:55 P. M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Crisp motioned, seconded Mr. Brito to adopt proposed Resolution CM08-14a.

The Voting Board tally was:

Yea: (7) Woodson, Crisp, Dudenhefer, Milde, Schwartz, Brito, Sterling

Nay: (0)

Resolution CM08-14a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 3, 2008

WHEREAS, the Board has, on this the 3rd day of June, 2008, adjourned into a

closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 3rd day of June, 2008, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open

meeting requirements under the Virginia Freedom of Information Act were discussed in

the Closed Meeting to which this certification applies; and (2) only such public business

matters as were identified in the Motion by which the said Closed Meeting was convened

were heard, discussed, or considered by the Board. No member dissents from the

aforesaid certification.

Legislative; Adjust the Annual Leave Accrual Rate for the County Attorney. Mr. Brito motioned,

seconded by Mr. Milde, to adopt proposed Resolution R08-326.

The Voting Board tally was:

Yea:

Woodson, Crisp, Dudenhefer, Milde, Schwartz, Brito, Sterling (7)

Nay: (0)

Resolution R08-326 reads as follows:

A RESOLUTION TO ADJUST THE ANNUAL LEAVE ACCRUAL

RATE FOR THE COUNTY ATTORNEY

WHEREAS, County Attorney Joseph L. Howard, Jr., has completed his third full

year with Stafford County as of April 25, 2008; and

WHEREAS, it is appropriate to review the performance and compensation of the

County Attorney on an annual basis in accordance with the understandings when he was

hired; and

WHEREAS, the Board has reviewed and discussed the County Attorney's

performance during the past year; and

WHEREAS, the Board desires to adjust the annual leave for the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this 3rd day of June, 2008, that annual leave accrual rate of the County

Attorney shall be increased from 4 hours per pay period to 6 hours per pay period, with a

one-time adjustment adding five (5) days to his accrued annual leave balance, which all

shall be effective as of July 1, 2008.

Adjournment. At 9:57 P.M., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM

County Administrator

George H. Schwartz

Chairman